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EXAMINER PORTER, RACHEL L				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/765,535

Applicant(s)

KWOH, DANIEL S.

Examiner

RACHEL L. PORTER

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/21/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to the amendment filed 4/21/08. Claims 1-15 and 17-31 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-15 and 17-31 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The added material which is not supported by the original disclosure is as follows:

Claims 1,12, 17, and 21

- performing permutations on the information for the plurality of types of travel products received from the user by automatically altering concurrently the information for the plurality of types of travel products received from the user based on the plurality of alternative criteria;

- determining alternative travel products to offer the user based on data from the accessed electronic discount database and based on results of the performed

Claim 14

- wherein the information server is configured to perform permutations on the information for a plurality of types of travel products by calculating concurrent variations of the information on the plurality of types of travel products using the selection criteria or a variation

In particular, the Applicant does not point to, nor was the Examiner able to find, any support for this newly added claim language (e.g. performing permutations by automatically altering the plurality of products concurrently) within the specification as originally filed. As such, the Applicant is respectfully requested to clarify the above issues and to specifically point out support for the newly added limitations in the originally filed specification and claims, or to cancel the new matter in the reply to this Office Action.

4. Claims 1-15 and 17-31 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent claims 1,12, 14, 17 and 21 recite limitations that are new matter. The dependent claims inherit the deficiencies of the respective independent claims and are also rejected.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-9, 14,15,17-20,27, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al (US 2002/0156661) in view of Jafri US 5,832,454)

As to claim 1, Jones discloses an electronic method for calculating travel costs for a user (see abstract) comprising:

- prompting a user to enter information for each of a plurality of types of travel products ; (par. 30-31, 34, 39)
- receiving information for the plurality of travel products is received from the user; (par. 30-31, 33)
- determining a cost of each of a plurality of types of travel products by searching through an electronic database using the received information; (Fig. 7, Fig. 8a, par. 34,49, 53)

- determining the cost, reporting the cost of each of a plurality of types of travel products to the user; (par. 34,49,53; Figure 8A)
- prompting step the user to request alternative travel product information; (par. 57—allows constraints to be changed)
- receiving a user request to receive alternative travel product information (par. 57)
- reporting the determined alternative travel products to the user. (Fig. 8D)

Claim 1 has been amended to recite determining alternative travel products to offer the user by accessing an electronic discount database based on a plurality of alternative criteria, wherein the alternative travel products are determined by automatically altering concurrently the information for a plurality of types of travel products received from the user.

Jones discloses a method including determining alternative travel products to offer the user by accessing an electronic discount database based on a plurality of alternative criteria, (par. 49,57-58, Figs. 8A-8D—The rates/costs are discounted or cheaper when the constraints are relaxed and more flexible)

Jones does not expressly disclose wherein the alternative travel products are determined by automatically altering concurrently the information for a plurality of types of travel products received from the user. Jafri discloses a method comprising the determining alternative travel products, wherein alternative travel products are determined by automatically altering concurrently the information for a plurality of types of travel products received from the user. (col. 5, lines 2-60) At the time of the

applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of Jones with the teaching of Jafri. As suggested by Jafri, one would have been motivated to include these features to expedite the time it takes to find satisfactory travel arrangements for the user. (col. 5, lines 57-60)

As to claim 2, Jones discloses an electronic method for calculating travel costs wherein reporting the determined alternative travel comprises displaying a range of prices for each travel product based upon availability of products from different product providers and displaying a total price range for all of the requested travel products.(Figure 3B, 5B, 8D-shows price alternatives, par. 58)

As to claims 3-5, Jones discloses an electronic method for calculating travel costs of wherein receiving information further comprises receiving an airline departure date, a departure location, and a destination location (Figure 2B, 3A); receiving a hotel location and number of nights (Figure 2B, 4A, par. 47); and receiving a car rental location and days rented. (Figure 5A-C, par. 48, 51)

As to claim 6, Jones teaches a method wherein the number of nights to reside at the hotel location and the number of days a car will be rented are based upon airline departure and return dates. (Figure 2B, 3A, par. 39,48)

As to claim 7, Jones discloses a method determining cost further comprises determining hotel location and rental car location using the destination location. (Figure 2B; par. 47-49)

As per claim 8, Jones discloses a method wherein the at least two of alternative includes return date, and departure date to conform to the requirements of the discount database. (Figures 8B-8C)

As per claim 9, Jones discloses a method further comprising prompting the user to select travel products for purchase. (Figures 5B, 4B)

As to claim 14, Jones teaches system for determining travel product prices for users comprising:

- an information server coupled to a computer network coupled to a user terminal coupled to the computer network; (par. 33-35)
- a first database coupled to the computer network for storing airplane flight information; (par. 34,36)
- a second database coupled to the computer network for storing hotel information; (par. 34,36)
- a third database coupled to the computer network for storing rental car information; (par. 34,36)
- wherein the information server is configured to receive a request for information on a plurality of types of travel products from the user terminal where the request includes selection criteria for the travel criteria; and (par. 30, 39)
- wherein the information server is configured to aggregate hotel information, car rental information, and airplane flight information from various databases is aggregated and transmitted to a user terminal in a single report.. (par. 39-40)

- wherein the information server is configured to calculate variations of the information on the plurality of travel products using the selection criteria or a variation of the criteria and provide alternate travel products based on the calculations in a single report. (Figure 7-8A-D; par. 57-58)

Claim 14 further recites performing permutations on the information for the plurality of types of travel products received from the user by automatically altering concurrently the information for the plurality of types of travel products received from the user based on the plurality of alternative criteria."

Jones does not expressly disclose wherein the alternative travel products are determined by automatically altering concurrently the information for a plurality of types of travel products received from the user. Jafri discloses a method comprising the determining alternative travel products, wherein alternative travel products are determined by automatically altering concurrently the information for a plurality of types of travel products received from the user. (col. 5, lines 2-60) At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of Jones with the teaching of Jafri. As suggested by Jafri, one would have been motivated to include these features to expedite the time it takes to find satisfactory travel arrangements for the user. (col. 5, lines 57-60)

As to claim 15, Jones discloses a method in which the reservation information stored by the system may include hotel, airline, and car rental information and the system includes a plurality of databases. (par. 34) Furthermore, the server may be

requested to retrieve and transmit discounted rates for each of these types of travel products to the user. (Fig. 8B-8D, par. 58-59)

As per claim 17-20, the limitations of the present claim are addressed by the rejections of claims 1-2.

As per claim 27, Jones discloses a system for determining travel product prices of claim 14, wherein calculating variations of the information on the plurality of types of travel products include variations of dates of travel, type of accommodation, or type of accommodation. (Fig. 4B,5B, and 8B-C)

As per claim 29, Jones discloses a method wherein the plurality of travel product includes at least hotel, airline and car rental products. (par. 47-49)

[claim 30] Jones discloses the method of Claim 1, wherein the electronic database and the electronic discount database are each a part of a larger database. (Figure 1, par 33-34)

[claim 31] Jones discloses the method of Claim 17, wherein the electronic database and the electronic discount database are each a part of a larger database. (Figure 1, par. 33-34)

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones and Jafri as applied to claim 9, and in further view of Iyengar (USPN 6,360,205)

As to claim 10, Jones discloses an electronic method for calculating travel costs of claim 9 further comprising:

- prompting the user to enter personal information (par. 30);
- receiving step personal information from the user (par. 30-31,35);
- contacting travel product providers of the products selected for purchase, making reservations for the travel products to be purchased (Fig. 4a-b: buy now, Figure. 5c, make reservation)

Jones does not expressly disclose inputting payment and receiving payment information for travel products to be purchased. Iyengar discloses a method further comprising prompting the user to input payment information to the travel service providers for travel products to be purchased. (col. 8, lines 9-24). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of Jones with the teaching of Iyengar. One would have been motivated to include this feature to facilitate the completion of the transaction(s).

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones and Jafri as applied to claim 1, in view of Delorme et al., Pat. No. 5,948,040. (hereinafter DeLorme).

As to claim 11, Jones teaches the method of claim 1 as explained in the rejection of claim 1, but does not explicitly disclose a method further comprising prompting a user

to input cruise information. However, DeLorme discloses wherein the information request step further comprises prompting a user to input a cruise departure date. (see Fig. 6 and col. 52, lines 23-42). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the method of Jones with the teaching of DeLorme to include prompting a user to select at least one of the group consisting of a cruise departure date, a cruise departure location, a cruise destination location, a cruise return date, a cruise provider, a cruise ship, a cruise name, and a cruise passenger class. As suggested by DeLorme one would have been motivated to include this feature to provide a system with complete integration of travel/activity required by a user (col. 6, lines 47-54).

9. Claim 12-13, 21-26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones, in view of Jafri, and in further view of Lynch et al (US 6119094 A),

[Claim 12] Jones discloses a method comprising:

- prompting a user to enter information for a plurality of types of travel products; (par. 30-31, 34, 39)
- receiving information for a plurality of types of travel products from the user; (par. 30-31, 33)
- selecting a plurality of travel products comprising at least two travel product types by searching an electronic database of travel products using the received information (Figure 2A; 6A)

- searching the electronic database of travel products for automatically generated alterations of the plurality of travel products (Figure 8A-C)

However Jones does not expressly disclose a method further comprising :
determining a combined cost of the selected plurality of travel products; selecting an alternative combination of travel products comprising at least two travel product types with a lower combined cost than the selected plurality of travel products; and reporting the combined cost of the selected plurality of travel products and the combined cost of the alternative combination of travel products to the user.

Lynch discloses a method wherein at least two types of travel products are selected and wherein the pricing for the travel products and the low-cost travel alternatives are determined and displayed. (col. 8, line 36-col. 9, line 1; Fig. 4) At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of Jones with the teachings of Lynch include determining a combined cost of the selected plurality of travel products, selecting an alternative combination of travel products comprising at least two travel product types with a lower combined cost than the selected plurality of travel products, and reporting the combined cost of the selected plurality of travel products and the combined cost of the alternative combination of travel products to the user. As suggested by Lynch, one would have been motivated to include these features to expedite and simplify the process by which low-cost travel options are identified. (col. 2, lines 19-26.)

Claim 12 further recites "performing permutations on the information for the plurality of types of travel products received from the user by automatically altering

concurrently the information for the plurality of types of travel products received from the user based on the plurality of alternative criteria.”

Jones does not expressly disclose wherein the alternative travel products are determined by automatically altering concurrently the information for a plurality of types of travel products received from the user. Jafri discloses a method comprising the determining alternative travel products, wherein alternative travel products are determined by automatically altering concurrently the information for a plurality of types of travel products received from the user. (col. 5, lines 2-60) At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of Jones with the teaching of Jafri. As suggested by Jafri, one would have been motivated to include these features to expedite the time it takes to find satisfactory travel arrangements for the user. (col. 5, lines 57-60)

[claim 13] Jones discloses the method of Claim 12 wherein requesting information further comprises prompting the user to enter at least one of the group consisting of: airline, cruise, train, hotel, and car rental information. (Figure 2B; 3A, 4A, 5A-C, par. 47-48, 51)

As per claim 21, Jones teaches an electronic method comprising:

- providing a user interface to a user over a communications network; (par. 33, 35)
- causing the user interface to prompt the user to enter information for a plurality of travel products into the user interface; (par. 30-31, 34, 39)

- receiving the information over the communications network; (par. 30-31, 33)
- searching a first database on a server to determine the cost of the plurality of travel products; and (Fig. 7, Fig. 8a, par. 34,49, 53)
- generating a report to be displayed through the user interface, the report comprising the cost of each travel product to be displayed concurrently; (Figures 3B,4B,5B);
- causing the user interface to prompt the user to request alternate travel product information; (par. 57—allows constraints to be changed)
- generating alternative travel product criteria automatically based on information from the user
- accessing a second database to determine alternative travel products of a plurality of travel product types to offer the user; and par. 49,57-58, Figs. 8A-8D—The rates/costs are discounted or cheaper when the constraints are relaxed and more flexible)

However Jones does not expressly disclose a method further comprising :

generating a report to be displayed through the user interface, the report comprising the cost of alternative travel products for a plurality of travel product types to be displayed concurrently (Fig. 8D)

Lynch discloses a method wherein at least two types of travel products are selected and wherein the pricing for the travel products and the low-cost travel alternatives are determined and displayed. (col. 8, line 36-col. 9, line 1; Fig. 4) At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of Jones with the teachings of Lynch to include generating a report

to be displayed through the user interface, the report comprising the cost of alternative travel products for a plurality of travel product types to be displayed concurrently (Fig. 8D). As suggested by Lynch, one would have been motivated to include these features to expedite and simplify the process by which low-cost travel options are identified. (col. 2, lines 19-26)

Claim 21 further recites "performing permutations on the information for the plurality of types of travel products received from the user by automatically altering concurrently the information for the plurality of types of travel products received from the user based on the plurality of alternative criteria."

Jones does not expressly disclose wherein the alternative travel products are determined by automatically altering concurrently the information for a plurality of types of travel products received from the user. Jafri discloses a method comprising the determining alternative travel products, wherein alternative travel products are determined by automatically altering concurrently the information for a plurality of types of travel products received from the user. (col. 5, lines 2-60) At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of Jones with the teaching of Jafri. As suggested by Jafri, one would have been motivated to include these features to expedite the time it takes to find satisfactory travel arrangements for the user. (col. 5, lines 57-60)

As per claim 22, Jones teaches a method wherein a processor in the server executes the searching of the first database. (par. 33-37)

As per claim 23, Jones teaches a method further comprising: transmitting reports over the communication network to a user device. (35,39)

As per claim 24, Jones teaches a method wherein the communications network is the Internet. (par. 33)

As per claim 25, Jones teaches a method, wherein the first and second databases are each a part of a larger database. (par. 34)

As per claim 26, Jones teaches a method wherein travel alternatives are automatically generated by altering travel information (such as travel dates, accommodations, or type of rental) received from the user. (Figures 3A, 4A, 5A; 8B-8C).

As per claim 28, Jones teaches the method of claim 21 wherein travel alternatives are automatically generated by altering travel information (such as travel dates, accommodations, or type of rental) received from the user. (Figures 3A, 4A, 5A; 8B-8C).

Response to Arguments

10. Applicant's arguments with respect to claims 1-15 and 17-31 have been considered but are moot in view of the new ground(s) of rejection.

Applicant appears to argue the newly added claim limitations. New grounds of rejection and additional citations and explanations from the prior art have been provided in the prior art rejection of the current Office Action for applicant's consideration to address the newly added limitations.

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11. Applicant's arguments filed 4/21/08 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., dependent and independent interrelationships among the parameters) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). On pages 10-11, applicant argues that Jones et al. do not take into account hidden dependencies on what are normally independent constraints . However, this limitation is not recited in the claims.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RACHEL L. PORTER whose telephone number is (571)272-6775. The examiner can normally be reached on M-F, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, (Christopher) Luke Gilligan can be reached on (571) 272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. L. P./
Examiner, Art Unit 3626

/Robert Morgan/
Primary Examiner, Art Unit 3626